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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,260	11/16/2000	Kazuo Koda	TP000313US	2868

7590 02/11/2005

Pollock Vande Sande & Amernick RLLP
1990 M Street N W Suite 800
Washington, DC 20036-3425

EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,260

Applicant(s)

KODA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, and 3, are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka.

Tanaka discloses a recording/reproducing apparatus that shows all the limitations recited in claims 1, and 3, including the feature of converting an information in a transport packet into a least one signal format out of a plurality of signals being different from each other and output the converted information (See Tanaka's Figure 10, and column 8, lines 55-63), the feature of the flag for designating a signal format to be outputted by the outputting apparatus being transmitted with being included in the information as specified in the present claims 1, and 3. (See the format ID signal being separated from the reproduced signal for the purpose of controlling the decoding format of the reproduced and the outputted signal as shown in Tanaka's column 8, lines 30-39, column 9, lines 25-33, and column 1, lines 57-61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 9-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Official Notice.

Tanaka discloses a data recording/reproducing apparatus that shows substantially the same limitations recited in claims 9, and 11, including the feature of recording on a recording medium unit of data block and the feature of the flag for designating a signal format to be outputted by an outputting apparatus of the information being recorded in the data block as specified in the present claims 9, and 11. (See the recording of the encoded data together with the format ID signal for indicating the format of the output signal during reproduction operation as shown by Tanaka's Figure 1).

Tanaka fails to specifically disclose the feature of recording video information on the information recording medium as specified in the present claim 9.

Examiner takes Official Notice in that it is notoriously well known in the digital recording/reproducing art to have a recording medium including both encoded video and audio data recorded thereon as specified in the claims 9, and 11.

It would have been obvious to one skilled in the art to modify the Tanaka's audio recording/reproducing apparatus wherein the recording/reproducing means provided thereof would incorporate the capability of recording video data on the recording medium and the capability of reproducing the same from the recording medium in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to better understand the reproduced audio data by providing corresponding video data at reproduction as suggested in the prior art.

With regard to claim 10, the feature of recording the flag in an area which cannot be rewritten by the user as specified thereof is present in the proposed combination indicated above. (See Tanaka's Figure 5).

6. Claims 2, 4, and 12, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 5-8 contain allowable subject matter over the prior art of record.

8. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a reproducing apparatus having a plurality of outputting sections. The independent claims identify the feature of "the controlling means for activating an outputting section, which output a designated output signal

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format out of said plurality of outputting sections in accordance with said flag and controls the other outputting sections to prohibit to be activated". The closest prior art, Tanaka is directed to a conventional data recording/reproducing apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lim discloses a television system with multiple transmission formats.

Morelos-Zaragoza discloses a modulation format identification device and method of the same.

Nagai discloses a display device drive identifies signal format of the input video signal to select previously determined control information to drive the display.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
February 9, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER